

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
1420 East Sixth Ave, Helena MT
March 13, 2003

Commission Members Present: Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Lane; and John Brenden.

Fish, Wildlife & Parks Staff: Jeff Hagener, Director; and other Department personnel.

Guests: T. O. Smith, Texas Parks and Wildlife; Jim Martin, commercial fishing advocate; Tim Frederick, Walleyes Unlimited; Darlene Edge, FWP/Lands; John Kowalski; Mary Ellen Schnur, MOGA; Bill Nankivel, Pheasants Forever; George Biebl, Pheasants Forever; Jay Bodner, MT Stockgrowers; Elaine Mann, Broadwater County Commission; Jean Johnson, MOGA; Don Nickman, PPSA.

Topics of Discussion:

- 1. Opening - Pledge of Allegiance**
- 2. Approval of February 12, 2003 Commission Minutes**
- 3. Approval of Commission Expenses through February 2003**
- 4. Future Fisheries Projects - Final**
- 5. Paddlefish Roe Committee Member Appointments - Final**
- 6. Scotty Brown Bridge Land Exchange - Tentative**
- 7. Fishing Regulation Revision Process Schedule - Informational**
- 8. Echo Lake - Informational**
- 9. Piedmont Swamp Acquisition - Informational**
- 10. Canyon Ferry Reservoir Commercial Carp Permit - Tentative**
- 11. River Recreation Advisory Council Management Update - Informational**
- 12. Rocky Mountain Elk Foundation-Blackfoot Clearwater Update and Award Presentation**
- 13. Sharecropper Contracts Concerns by Bill Nankivel of Pheasants Forever**
- 14. Wolf Environmental Impact Statement Status**
- 15. Sage Grouse Conservation Strategy**
- 16. Elk Management Plan**
- 17. Landowner Incentive Project Proposals - Informational**
- 18. Automated Licensing System Update - Informational**

1. Opening - Pledge of Allegiance. Chairman Dan Walker called the meeting to order at 8:05 and led the Pledge of Allegiance.

2. Approval of Commission Minutes of February 12, 2003.

ACTION: Commissioner Lane moved to approve the minutes of the February 12, 2003 meeting as presented. Commissioner Brenden seconded the motion. Motion carried.

3. Approval of Commission Expenses through February 2003.

ACTION: Commissioner Lane moved to approve the Commission Expenses through February 28, 2003 as presented. Commissioner Mulligan seconded the motion. Motion carried.

Jeff Hagener, Fish, Wildlife & Parks Director, announced that Commissioner Murphy will not be in attendance at this meeting as he has been ill, however Commissioner Murphy indicated that after review of the agenda and background materials, as well as conversing with regional personnel, he would vote in support of the issues presented here today.

4. Future Fisheries Projects – Final. Chris Hunter, FWP Fisheries Division Administrator, reported that 29 applications requesting funding were received for fishery projects. The Future Fisheries Review Panel met January 24, 2003, and after evaluating the applications, the panel made recommendations to fund 23 of the projects, either in full or in part, for a total of \$792,025. **Hunter** asked the Commission to approve the recommendation of these project proposals. (The list of proposals is located in the minutes file in the FWP Director's Office).

Walker inquired as to the public benefits of these projects; indications are that properties are not open to anglers. **Hunter** said that it is not a requirement of this program to allow public usage, that in many cases tributary streams important to spawning are involved, which can yield angler benefits in the main stream. **Hunter** added that this is one element of the criteria the review panel considers when evaluating applications. **Commissioner Mulligan** said it is vital that biologists in the regions maintain consistent standards for weighing their decisions when it comes to supporting projects in full as opposed to funding them in part. He said that in some cases a biologist did not support full funding because the proposal did not provide access, while others applications didn't mention providing access and the biologist recommended full funding. **Phillips** said the review panel is sensitive to the access issues, and often projects are turned down because they do not provide public benefits.

Chairman Walker commented that he is not aware of any fishery projects under construction in the eastern part of the state. **Hunter** said he is hopeful that SB250 will change the funding of future fisheries to allow projects in the eastern part of the state to be more fundable. **Commissioner Brenden** recommended that actual names of applicants (landowners, ranchers etc) be used throughout the recommendations / proposals presented to the Commission for approval rather than the word "applicant".

Walker asked about the Dry Creek proposal in Broadwater County. **Phillips** explained that the total cost of \$16,459 includes the removal of two irrigation diversions that limit spawning access. The recommendation for funding only \$12,000 came from Ron Spoon, Region 3 Fisheries Biologist, who felt that the NRCS should also put money into this project. Installation of new pipelines would greatly increase the cost of this project, however, this particular proposal is limited to only removing the existing irrigation diversions.

When asked if fencing is a viable expense in the Dupuyer Creek, Pondera County proposal, **Phillips** explained that the maximum recommended funding for this project is \$10,990 if the applicant cannot receive supplemental dollars from NRCS. He said the panel suggested that the applicant first apply for funding from NRCS for fencing, and if denied, then it is recommended to fully fund their request. NRCS has provided funding in the past for fencing. **Phillips** noted that the Fish and Wildlife Service is also involved in this project.

Brenden questioned what would prevent recontamination after the removal of the hybrid species in the Elkhorn Mountains, Broadwater County proposal. **Phillips** said a barrier will be placed, and we will attempt to remove hybrids upstream of the barrier. They will not get 100 percent of the hybrids, but it will be enough for the Cutthroat to be able to successfully utilize the habitat. **Mulligan** said that originally the plan was to use chemicals, but as that was not an acceptable practice for this project, electro-shocking is being used. As electro-shocking is not entirely effective, it will be an ongoing process to keep hybrids out.

Brenden inquired if it is possible to offer an extra fishing season or a special season for children to remove these fish, to which **Phillips** replied that the fish are not destroyed, just relocated below the barrier so that they are still available to the public.

Lane asked if the culvert mentioned in the Marshall Creek proposal is on a private road or a county road. **Phillips** said it is a public road, a Department of Transportation road, and the culvert empties directly into the Clark Fork River. Cutthroat trout were congregated below the culvert, because over the years it has become perched due to down cutting, which creates a barrier to fish movement. Velocities within the culvert also impede fish movement. Department of Transportation is contributing some funding to help make this improvement. **Walker** asked Phillips about the \$20,000 matching contribution. **Phillips** said \$15,000 is public contribution and \$5000 comes from Montana Power mitigation money that has been set aside for the Milltown dam. This money is available each year, and as part of the mitigation package, FWP receives approximately \$70,000 to divide among various fishery projects.

Mulligan asked if the department has looked at the potential or existence of whirling disease spores in McKee Spring Creek. **Phillips** said this could be done as a condition of approval of this application if it has not already been done.

Mulligan said that it was his understanding that the Forest Service had inventoried the road crossings located on their land. He asked if the proposal concerning Sentimental Creek, located in the Bitterroot Forest, would set a precedent of funding these types of requests on federal lands. **Phillips** said this question was also raised by the review panel. They felt it is worth funding this project, but not making it a routine practice. When **Mulligan** asked if there are criteria or guidelines on how much should be expended by federal agencies or state agencies, **Phillips** said the Future Fisheries Program has no specific guidelines for matching dollars, but they examine the applications closely. He said he does not expect many Forest Service projects, and he noted that there is one Forest Service engineer on the review panel.

Walker questioned the Shields River proposal, which has been tabled. He noted that it is an individual application with no interaction with the local biologist or local watershed group. **Phillips** said he expects the applicant to come back with a revised proposal. He stated that the review panel was not happy with this proposal, or the lack of interaction between the fishery biologist and the applicant. **Walker** asked that Phillips see to it that there is coordination from FWP's side. **Phillips** told the Commission that this proposal was actually generated by a consultant with the landowners name on it, and that this consultant has a history of not coordinating with biologists. **Walker** said it is the landowner's decision to open up the water to fishing - not the consultant's decision.

Walker asked if the 25 mile segment of water protected for cutthroat in the South Fork Judith River is a unique situation. **Phillips** answered that it is indeed unique; that it is a large project consisting of an expansive barrier.

Mulligan asked who FRIMA is in relation to the Skalkaho Creek proposals. They are providing \$500,000. **Phillips** explained that it is a new federal program administered by the Fish and Wildlife Service, entitled Fisheries Restoration and Irrigation Mitigation Act (FRIMA). FRIMA is a program directed at the Columbia Basin states west of the Continental Divide to provide funds for fish screens and fish passage structures. The program actually originated from the salmon states where they are being forced to put screens on irrigation diversions. In 2002, Congress appropriated 4 million dollars to divide between the 4 states; Montana received one million. Thirteen projects were funded with this money. The two Skalkaho projects currently recommended for funding are under the 2003 funding by FRIMA. Congress recently passed an omnibus budget bill that provides 2 million dollars to the FRIMA program; Montana is designated to receive \$500,000 of this money. The President has not signed this bill yet, but indications are that he will. These projects would be paid for out of this FRIMA money.

Walker said the Upper Willow Creek proposal sounds very expensive. **Phillips** said this is a large project, and there is no provision for access by the landowner, however there are county roads that cross the stream. The primary benefit of this project is the spawning opportunities provided for Rock Creek as it is one of the major cutthroat streams in the Upper Rock Creek Drainage.

*ACTION: There being no comments from the audience, **Mulligan** moved to approve the recommendations of the Future Fisheries projects as presented by the Department. **Lane** seconded the motion. Motion carried.*

When asked how application requests compare to the dollars available. **Phillips** said FWP has never received more applications than were dollars available, but he feels at some point that will happen. Future Fisheries program is a capital program so if the money is not spent, it is carried forward from previous biennium.

5. Paddlefish Roe Committee Member Appointments (Caviar Grants Selection Committee) - Final.

Hunter said this Committee is selected annually and the Commission has the opportunity to approve the appointments to the Caviar selection committee. Members of the committee serve one-year terms and must consist of one Glendive Chamber of Commerce member, two local government representatives, and two local sportsmen. The role of this committee is to evaluate proposals and determine those to be funded by the Paddlefish Roe grant program. Proposals must be for historical, cultural, recreational, or fish and wildlife related projects. Monies originate from the sale of paddlefish eggs which had been donated to the Glendive Chamber of Commerce. **Walker** asked if the selection process is limited only to those nominated by the Glendive Chamber. **Hunter** advised that it is not; that if the Commission desires, they can deny this list of nominees and readvertise. It was the consensus of the Commission to go ahead as is for this year, and advertise widely next year.

*ACTION: **Brenden** moved to approve the list of nominees for the Paddlefish Roe Committee. **Lane** seconded the motion. Motion carried.*

6. Scotty Brown Land Exchange - Tentative. Mack Long, Region 2 Supervisor from Missoula, said historically Scotty Brown Bridge provided access for approximately 35 years to anglers, then in the early 1990s when Powell County realigned the road, they relocated the bridge. When the bridge was moved, the public access did not move with it. Contention began at this point; anglers and recreationists contended that access was not abandoned, however, the new owners understood that public access was taken away giving them full rights to who had access and who did not. The new landowners did provide a fenced walk-in access at the site. On August 1, 2002 the landowners and FWP worked out a temporary agreement whereby FWP took over management of the site and removed the fence at the walk-in area allowing floating, boating and walk-in access.

Long said both sides of the issue felt that the number one concern should be river / aquatic health. A key component identified was to create managed access at this site. This means provisions for a 4 stall or 6 stall parking system; when the stalls are full, the access site is full. People can drop off and pick up but cannot park and stay there. The existing pull-in area will be extended to develop a 4 stall parking area with an area to back around and pull back out. The turn around area will be well away from the bank of the river. **Long** said that parking on the adjoining county road can be dangerous due to the curve in the road. It is presently posted against parking and this sign will remain in place. This would be a day use only access site.

The land FWP owns and proposes to exchange for 3 acres at the bridge site is a long strip of ground (7.15 acres) bisecting the private landowner's property. This strip is almost ½ mile long and averages 100 feet wide and provides minimal access to the river. There are federal and state requirements to comply with, an appraisal has to be completed, and a survey needs to be done to meet MEPA standards. A management plan would need to be developed after which a public comment period would be necessary. **Long** requests the Commission's authorization for FWP staff to move forward with this proposed land exchange. *ACTION: The Commission granted Long's request to proceed with this project.*

Hagener added that bridge access issues will continue to crop up. Montana Department of Transportation (DOT) has several bridges scheduled for replacement in the near future that are likely to be in this same scenario. Due to safety standards, DOT cannot use many old bridge locations, even those with historic public access, so they will be moving accesses. They may be required to condemn land, and in many cases landowners say they do not want to allow public access. When relocating bridges, the public loses access and **Hagener** said it is likely there will eventually be a lawsuit. **Hagener** added that counties are critical components in these issues as right-of-ways are turned over to the counties, and access is their responsibility.

7. Fishing Regulation Revision Process Schedule - Informational. Hunter introduced **Karen Zackheim, Fisheries Management Bureau Chief**, who proposed a tentative schedule for revision of the biennial fishing regulations. She said that typically, tentative regulations have been brought before the Commission in September with finals brought forward in November. This has created a very tight time frame for printing and distribution prior to opening of the fishing season. **Zackheim** requested consent from the Commission to present the tentative regulations to the public in July, giving them until October to respond. Public meetings are projected for April and May when the initial set of regulations are being developed.

Zackheim stated it is their goal to simplify the regulations, and to make them more user friendly. A committee of twenty FWP employees statewide met three times to work toward this goal, and Biologists were asked to review the proposed modifications. A criteria sheet was developed for evaluation and justification of each proposed change. When asked if the changes would be noticeable, **Zackheim** said the standard regulations could be concise, but there are exceptions and special regulations which are quite extensive. It was the general consensus that the regulation book needs to be reduced. **Hagener** said that HB598, if it passes, would require FWP to contract printing the regulations. This bill would allow the bidder to use advertising to assist in printing costs, which would increase the size of the actual regulation booklet due to advertising even if the regulations themselves are reduced. **Zackheim** asked for the Commissioners' consent to proceed with the modified fishing regulation revision process and schedule. *ACTION: The Commission granted Zackheim's request.*

8. Echo Lake - Informational. Director Hagener informed the Commission that there had been a public access for years on this DNRC parcel. Most of the lake is surrounded by private land or state land used for cabin sites. Echo Lake is north of Bigfork and east of Kalispell and is a very popular lake. The Echo Lake total site is approx 80 acres that is presently undeveloped, but eventually will be developed into cabin sites. FWP is looking at approximately 5 acres for a fishing access site and we will coordinate that any roads we put in are conducive to future development plans of DNRC. There is no other public access on the lake that is good all year long. DNRC may charge a rental for the first couple of years as there is no other use on that land. We would manage this site as we do other FAS. We are looking at monitoring the site, locked gate, day use only. Possible developments include a boat ramp, one or two latrines, fencing, a caretaker pad, and a parking area. An aggressive schedule will be put in place to complete this project as quickly as possible. Wallop/Breaux motorboat fuel tax monies are available to help with this project as well. With the presence of a dry year and low water levels, the time to create the boat ramp is now. **Walker** and **Brenden** reiterated the importance of completing the boat ramp this year; other portions of the project, such as road construction, can be done later. The Commission gave approval to move ahead with this project. The environmental review will begin as soon as possible.

9. Piedmont Swamp Acquisition - Informational. Hunter said the Jefferson Valley Sportsmen's Association (JVSA) has wanted a community fishing site in the Whitehall area for some time. Piedmont Swamp is located south of Whitehall, and is owned by Golden Sunlight Mine. **Mulligan** said Golden Sunlight is willing to accommodate in any way to develop this site, and the Sportsmen's group is willing to assist in maintaining the site, but both groups want FWP to take the lead on this project.

The primary objective is to have a pond developed. Golden Sunlight is willing to sign over the land title or a recreation easement. Golden Sunlight Mine and the BLM are also negotiating land trades that could include Piedmont Swamp. BLM does not want to manage a FAS but has no issue with the site. JVSA has paid for a survey and they had additional money to contribute toward developing this pond. There is also a possibility that the construction contractor improving the streets in Whitehall may dig the hole for the FAS in exchange for the gravel, a considerable monetary savings. The swamp does have springs that come into it. This area also provides waterfowl and deer bird watching.

ACTION: The Commission recommended proceeding with this project.

10. Canyon Ferry Reservoir Commercial Carp Permit - Tentative. **Hunter** said that historically FWP had approved a commercial fishing permit, on an annual basis, with Jim Martin for Lake Helena. Martin sold his business to Richard Green of Townsend who wishes to institute a commercial carp fishing venture on Canyon Ferry. They have applied for an experimental fishery Class X permit that does not require a fee. This gives them a year to try this see if its viable. If it is, they will need a different class of permit. There are restrictions attached to this permit to mitigate conflicts with recreational fishing and with Walleye spawn in Canyon Ferry. The EA went out earlier this week, and the comment period will extend until the end of March. Ron Spoon, Region 3 Biologist, has met with the local fishing groups and has addressed their concerns.

Hunter told the Commission that the comments would not be compiled within the 10-day period of time prior to the April meeting for Commission review. **Walker** said if comments were distributed to Commissioners the night before the meeting, it should be fine - unless there are a great many comments.

Jim Martin, former Lake Helena commercial fisherman, spoke in support of the Canyon Ferry endeavor. He stated that he too went through this comment process and suspects that this proposition will bear the same results. Martin said a common concern is that many fish are killed, when in fact the mortality rate is less than 2%. The process is live capture, not gill netting. Martin has a short video, prepared by FWP, of his carp fishing enterprise on Lake Helena which he will provide to the Commission members.

Tim Frederick, President of Walleyes Unlimited in Helena, confirmed that they too are in favor of this commercial fishing venture. They believe that this could have a great impact in a positive way on sport fishing in Canyon Ferry. Walleye and carp have occupied the same water columns for many years, and they feel Mr. Green is concerned with salvaging non-target fish and will operate in the best interest of Walleyes Unlimited. ***ACTION: Mulligan moved to approve tentative regulations for a commercial fishing operation on Canyon Ferry Reservoir. Walker seconded the motion Motion carried.***

11. River Recreation Advisory Council Update – Charlie Sperry, FWP Recreation Management Specialist, updated the progress of the River Recreation Advisory Council which is a 22 member citizen advisory group that FWP appointed last summer charged with providing recommendations on managing crowded rivers in Montana. **Sperry** anticipates only two more meetings prior to drafting the final report. Public meetings will be held to advise recreationists of the committee's recommendations and to solicit comments from the public in Regions 1 – 5. **Sperry** said they would hold meetings in Regions 6 and 7 if interest in those areas is expressed. A technical advisory team consisting of FWP personnel, and state and federal agency representatives is in place and has attended all of the meetings of the Council. Their only duty is to provide information if asked, and to listen; they are not members of the council. They will review the recommendations from legal aspects, will assure consistency with existing rules, and determine feasibility of implementation and enforcement. The timeline is speculative, but Sperry feels that recommendations will be brought before the Commission in late spring or early summer of this year.

Sperry said that the Beaverhead/Big Hole rulemaking process is underway. FWP made a proposal to continue with the rules in their existing format for up to 2 more years in order to allow the statewide process to be completed, and then to integrate the results of the planning process with the rules of the Beaverhead and the Big Hole. Public hearings were held in Butte, Dillon and Sheridan. They were

planned around the legislative transmittal break so Representatives Debbie Barrett and Diane Rice could attend. Comments will be compiled and a summary will be drafted and submitted to the Commission for decision at the April 10 meeting. **Mulligan** asked who is handling comments on the Beaverhead / Big Hole. **Sperry** told him that Bruce Rich and Pat Flowers of Region 3 are compiling comments. **Mulligan** stated that he wants to review the raw comments as well as the compilation.

Sperry said that Region 2 is working with the Blackfoot River Recreation steering committee on the implementation of a registration program this summer for four access sites. Their objective is to gain a better understanding of the amount and type of use taking place on the Blackfoot River where there are Bull Trout and Cutthroat Trout issues.

Walker asked if there had been any discussion directed toward developing different sets of rules depending on conditions of the waterway such as drought periods. **Sperry** said the Council has talked about it - not in specifics – and they have brought to the table the similar observation that rules could be designed to be flexible according to seasons, conditions of resource, and geographical concerns.

12. Rocky Mountain Elk Foundation Land and Habitat Conservation - Blackfoot Clearwater Update and Appreciation Awards. **Mack Long** said that in 1998 FWP entered into several partnerships including the Rocky Mountain Elk Foundation (RMEF). A proposal was brought to the Commission to acquire 7,800 acres in the Blackfoot Clearwater Game Range. That proposal was a 4-phase process and was approved by the Commission. It was entitled the BCWMA 50th Anniversary Project to commemorate the 50th anniversary of the Blackfoot Clearwater. The kickoff on June 12, 1999 consisted of a banquet put together by volunteers statewide. By June, 2000, \$600,000 had been raised for final acquisition of 856 acres. The balance of the 7,800 acres has either been traded for and/or is being acquired by other means. **Long** introduced Al Christopherson, State Chairman of the Elk Foundation; Mandy Albino, Chapter Chairperson, and John Willoughby, Chapter Co-Chairperson; Ron Marcoux, retired FWP employee who is involved in the land program in the Elk Foundation; and John Fossel, CEO and President of RMEF. **Long** presented a plaque of appreciation to John Fossel for his hard work and dedication to the Blackfoot Clearwater project.

John Fossel then presented to FWP a copy of the Deed of the 856 acres that the Elk Foundation volunteers raised money for. **Fossel** also expressed appreciation to Martha Williams, FWP attorney who dedicated a great deal of time to this project. **Fossel** then recognized Deb Dills for all of her work by presenting her with a framed picture from RMEF. A round of applause was then given for everyone who has worked on this significant project.

13. Sharecropper Contract Concerns. **George Biebl and Bill Nankivel, representatives from the Richland County Pheasants Forever Chapter**, appeared before the Commission to express their concerns over management of the Elk Island and Seven Sisters Island WMA sharecropper contracts. They feel their concerns have been disregarded by FWP in the past and that the arbitration agreement has not been adhered to. They are concerned with the cutting of hay prior to June 15 leaving little if any residual cover for game birds. They feel that sharecroppers are not honoring their contracts, and contracts have been changed mid-seasons. They are requesting a resolution to this matter.

In 1991 the Pheasants Forever Chapter in Richland County was established to enrich habitat for game birds in that area. Elk Island and Seven Sisters Island were chosen as the locations for this endeavor. Pheasants Forever worked with FWP in the mid 90's to seed 66 acres in dense nesting cover, and to plant two rows of shelter belts. **Biebl** stated that their Chapter worked with John Ensign, Region 7

Wildlife Biologist, where months would go by with no response from Ensign. Growing seasons came and went, and when they did converse with Ensign, he repeatedly told them that the sharecropper contracts were already signed and they would have to wait for next growing season to make changes. In 1997, Pheasants Forever and FWP agreed to hire an arbitration team consisting of Dr. Robert Eng, retired Professor of Wildlife Management (emphasis on game birds), MSU, and Dan Hare, Regional Wildlife Biologist of Pheasants Forever to develop a management plan in an attempt to resolve their differences. Both organizations then agreed on the strategies outlined in the management plan that was completed and delivered in 1998.

Brenden said it did not appear that there are many acres involved in the haying. He added that haying after mid-July in eastern Montana doesn't work well. **Brenden** asked how much revenue is gained from Sharecroppers contracts. **Hagener** deferred the question to **Howard Burt, Region 7 Wildlife Biologist**. **Burt** said there are no actual dollars exchanged; it is an trade for services by sharecroppers who are responsible to control weeds and maintain food plots, etc. **Brenden** asked what the costs would be if sharecropping was eliminated and a private contractor was hired to maintain the area and not cut hay on this ground. **Burt** said that to contract this out would be very expensive, particularly the controlling of weeds. **Burt** noted that the current sharecropper has land adjacent to this land and will be more likely to keep a better handle on weeds etc.

Nankivel asked why hay would be cut on a Wildlife Management Area for habitat when it leaves very little residual cover. He stated that there is very little nesting cover left on Elk Island. **Nankivel** said that the agreement was to hay the ground every 4 to 6 years, and up to this point the ground has been hayed annually. The land was to have been put into dense nesting cover; that has not happened with the annual removal of hay. He said the Pheasants Forever group is agreeable to the management plan if it were implemented. He said the sharecropper lease does not conform with the agreement.

Burt said it never was an arbitration agreement, just a discussion. **Mulligan** said the letter authored by Don Hyppa to Mr. **Nankivel** clearly states that it is an arbitration, and that both groups had agreed ahead of time to accept the recommendations and go forward. **Steve Knapp, FWP Habitat Bureau Chief**, said that "arbitration" is a legal process that was not done in this case. **Mulligan** said he understands why there is frustration when there are two interpretations. After Hare and Eng made their recommendations, some were followed, some were not, and some were followed with poor results.

Burt says the conflict lies with the recommendations that were put together by Eng and Hare. **Burt** distributed a handout comparing proposals to the recommendations indicating what has been done in regard to haying. In 2002, through the sharecropper, 34 acres were hayed prior to June 15. All other haying was done after July 15 – approximately 29 acres. Alfalfa is a food source for deer. Alfalfa needs to be hayed and reseeded periodically. This WMA is not specifically designated for pheasants but is for whitetail deer as well. A lengthy discussion ensued as to the status of each parcel of this WMA. The majority of the fields are intermixed with irrigation ditches and woods and native grasses. Some areas have very poor soils. A shelterbelt planted in 1994 failed. A wetland area could be established, however water rights would have to be worked out – irrigation rights are already in place.

When asked by **Lane** if Pheasants Forever would be willing to manage a portion of this land, **Nankivel** stated that he felt the situation has deteriorated enough that FWP needs to be held accountable. **Walker** responded that there are a number of sharecropper agreements throughout the state that pose very few problems. This particular case seems to be a problem.

Walker requested that Hagener prepare a response to the Richland County Chapter of Pheasants Forever addressing as many of the issues as possible to prevent further misunderstandings. Burt said the agricultural details have not been outlined for this year, but the agreement was approved for 2 years.

14. Wolf Environmental Impact Statement Status - Jeff Herbert of FWP distributed the newly released Wolf Conservation and Management Plan EIS. He said significant participation in the comment period, which closes May 12, is expected. The executive summary and the full draft EIS are available on the FWP website. Thirteen community work sessions are scheduled. The Wolf Council has been reappointed by the Governor's office through 2005. **Caroline Sime, FWP Biologist** reported that Montana currently has 183 wolves – 16 breeding pairs by recovery definition and 35 social groups which is a general definition of pack. Idaho has 263 wolves and 9 breeding pairs and about 16 social groups and Wyoming has 217 wolves and 18 breeding pairs and about 22 social groups.

Herbert said there is legislation regarding wolves but until the session is over, the outcomes are unknown so FWP is going ahead with the established plan. Preliminary indications from the Fish & Wildlife service indicate it is a very good plan. FWP fully expects that when Montana's and Wyoming's plans are completed and there is a Record of Decision, the delisting process will begin immediately from the US Fish & Wildlife Service. They are in the process of drafting a delisting rule so when plans are in place and all regulatory mechanisms are approved, they will begin the process. It is expected that lawsuits will be filed when the USF&W makes their official decision. It is hoped that the plans in place are adequate mechanisms for management so there are no grounds for injunctions.

Sime said she will provide a summary of the comments to the Commissioners in June along with a preliminary indication of the Record of Decision in draft form. The Wolf Council will reconvene to review the comments before writing a final decision.

Herbert said two of the other plans they have been working on are the Sage Grouse Conservation Strategy and the Elk Management Plan.

15. Sage Grouse Conservation Strategy. **Herbert** informed the Commission that Rick Northrupp, FWP Biologist from Malta, assisted in consolidating comments from the public comment period for the Sage Grouse Conservation Strategy. He has completed this and they are meeting to discuss incorporating them into the plan. The working group will then review them prior to finalizing the strategy. The intent is to put a mechanism in place from a conservation standpoint to gain leverage when dealing with potential petitions to have the species listed. **Herbert** hopes to bring something back to the Commission at the June meeting, but he may have to present it at a later date. He said that the BLM, the Forest Service, and DNRC are also participating in this endeavor.

16. Elk Management Plan. **Ken Hamlin, Region 3 Wildlife Biologist**, coordinated the revised Elk Management Plan and the Environmental Assessment of that plan. The cut off date for comments was December 30, 2002, but he accepted comments through February 18, 2003, receiving 408 responses.

Hamlin said he has divided the comments into broad categories of issues. Some of the categories include elk population numbers, access to lands for elk hunting, hunting season strategies, public suggestions, equity of opportunity such as to have a 7 year waiting period, bonus points, choice of weapons, aging and youth hunting, senior citizen either-sex hunts, economic issues, outfitters, damage to lands, increase/decrease licenses, biological/ecological issues, diseases, habitat (logging, etc), public

requests for information on results and needs. The EA process then addresses 15 sub-issues that relate to the Elk Management Plan. Some items cannot be dealt with as they are outside of FWP's regulatory authority. **Hamlin** said he has attended regional meetings relative to the Plan. **Walker** requested that the Commissioners be apprised of the schedule of upcoming public meetings so they can attend.

17. Landowner Incentive Program Update. **Don Childress, Wildlife Administrator**, informed the Commissioners that Montana was the recipient of a grant award for the Landowner Incentive Program. The award was made recently for a grant request made by FWP for the Sage Brush Initiative to deal with sage grouse and sage grouse obligates. It is a national program whereby FWP competed for the funding to move forward in the sage grouse conservation strategy proposal. The grant application was put together by Don Childress and FWP staff in the form of a leasing program to insure habitat protection for sage brush. They identified areas that are key. This is a private landowner initiative in which FWP will work with landowners to secure sage brush habitat for 30 years. FWP received 1.35 million dollars which FWP will be required to match over the next three years. Discussion with landowners is very positive. There will be no land appraisals involved, only a set fee for landowners. This does not effect grazing. The opportunity for landowners will be advertised. This lease will be filed at the Courthouse. It runs approximately \$12 an acre per year to landowner. Proposals will be brought before the Commission as part of normal procedures.

18. Automated Licensing System (ALS) Update – Dan Ellison, Administrator, FWP Administration & Finance Division, updated the Commission on the ALS System. **Ellison** said it is currently in the 2nd phase of the 3 phase plan. Implementation of Phase 2 occurred on March 4, 2003. It was a concern that as changes were made in the 2nd phase, some change would affect the 1st phase, but all of the migration was fully successful with no negative consequences. Training will be conducted to familiarize users on the system.

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**Director Hagener** updated the Commission on the considerable legislation concerning FWP. He added that this has been an extremely intense session.

**Walker** questioned the system that FWP utilizes for allocating permits for the Smith River. He feels there needs to be a better way, possibly the lottery system or some form of waiting period. Many permits are not used limiting the opportunities for others when they are turned back or unused. Multiple applications for a specific trip need to be eliminated. He stated that a solution needed to be looked into.

**Meeting adjourned at 2:35 p.m.**

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**Dan Walker, Chairman**

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**M. Jeff Hagener, Director**